



**DEPARTMENT OF CORRECTIONS
POLICIES AND PROCEDURES**

Policy No.: DOC 3.3.3	Subject: OFFENDER GRIEVANCE PROCEDURES
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 4
Section 3: Offender Privileges	Revision Date:
Signature: /s/ Bill Slaughter	Effective Date: April 1, 1997

I. POLICY:

It is the policy of the Montana Department of Corrections to provide offenders an internal grievance mechanism for the resolution of complaints arising from facility/program matters, thereby reducing the need for litigation and affording staff the opportunity to improve facility operations.

II. IMPLEMENTATION:

This policy was implemented on the effective date.

III. AUTHORITY:

53-1-203, MCA. Powers and Duties of Department of Corrections

IV. DEFINITIONS:

None.

V. PROCEDURES:

A. Adoption of Procedures

Each facility will adopt a written grievance procedure. Employees and offenders will have an advisory role in the formulation and implementation of the system.

B. Communication of Procedures

The written grievance procedure will be readily available to all employees and offenders. Each offender and employee will receive written notification and an oral explanation of the procedures.

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The written procedures will be available in any language spoken by a significant portion of the offender population, and appropriate provisions will be made for those not speaking those languages.

C. Accessibility

Procedures must be available regardless of any disciplinary, classification, or other administrative or legislative decision affecting the offender. The procedure must be accessible to all impaired and handicapped offenders.

D. Applicability

The procedure must be applicable to a broad range of complaints and specifically state the types of complaints that are grievable and the types excluded. The procedure must allow offenders to complain about policies, conditions, actions of employees or other offenders, and incidents which personally affect the grievant. The grievance procedure is not to be used as a disciplinary procedure.

E. Remedies

A reasonable range of remedies will be available at each facility/program.

F. Operation and Decision

1. Initiation

The procedure must be simple to initiate and use a standard form which is freely available and does not demand unnecessary technical compliance with formal structure or detail. Assistance must be available for those who cannot complete the form by themselves.

2. Offender and Employee Participation

Before the initial disposition of a grievance, selected employees and offenders are permitted to participate in an advisory capacity in the disposition of grievances challenging general policy and practices. There must also be a provision for them to review the effectiveness and credibility of

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the grievance procedure. Offenders must be prohibited from a role in the resolution process when the grievant objects.

3. Investigation and Consideration

Offenders or employees who appear to be involved in a matter are prohibited from participating in any capacity in the investigation and/or resolution of a grievance concerning that matter.

4. Reasoned, Written Responses

Each grievance will be answered in writing at each level of decision and review. The response will state the reasons for the decision reached and must include a statement that the offender is entitled to further review, if such is available, and contain simple directions for obtaining such review.

5. Fixed Time Limits

Responses will be made within fixed time limits at each level of decision. The expiration of the time limit at any stage will entitle the grievant to proceed to the next stage, unless the grievant has agreed in writing to an extension for a fixed period. There must be a maximum of 90 days from initiation of a grievance to its final disposition, unless the grievant agrees in writing to an extension for a fixed period.

6. Review

The procedure will provide for the independent review of the disposition of grievances, including alleged reprisals, by a person or other entity not under the direct supervision or direct control of the facility.

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G. Emergency Procedure

The procedure will provide for the priority processing of grievances that are of an emergency nature, including matters in which delay would subject the grievant to substantial risk of personal injury or cause other serious and irreparable harm to the offender.

H. Reprisals

The grievance procedure will prohibit reprisals for the good faith use of, or participation in, the grievance procedure. An offender will be entitled to pursue through the grievance procedure a complaint that a reprisal occurred.

I. Records

1. Preservation and storage

Records regarding the filing and disposition of grievances will be collected and maintained systematically and be preserved for at least three years following final disposition of the grievance. At a minimum, such records will include aggregate information regarding the numbers, types, and dispositions of grievances as well as individual records of the date of, and the reasons for, each disposition at each stage of the procedure.

2. Confidentiality

Records concerning an individual's participation in the grievance procedure are to be considered confidential and must be handled under the same procedures used to protect other confidential records. Staff who are participants in the disposition of a grievance must have access to the records that are essential to the resolution of the grievance.

V. CLOSING:

Questions concerning this policy should be directed to the Warden/Superintendent/Facility Administrator/Program Manager or Department Legal Counsel.